



08-19-05

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3671

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SECOND PETITION TO WITHDRAW NOTICE OF ABANDONMENT

Applicant: Mitchell, James D.

Application No.: 09/825,176 Attorney Docket No.: 029079.0001

Filing Date: April 3, 2001

Title: Trimmer Attachment for Lawn Mowers and Tractors

Commissioner for Patents

Mail Stop Petition

P.O. Box 1450

Alexandria, VA 22313-1450

SECOND PETITION TO WITHDRAW NOTICE OF ABANDONMENT

Dear Sir/Madam:

Enclosed please find:

1. a copy of the Petition to Withdraw Notice of Abandonment filed on February 10, 2004 which includes:

a. a copy of a Certificate of Transmission, a facsimile confirmation sheet and a response filed May 14, 2003; and

b. a copy of a Certificate of Transmission, a facsimile confirmation sheet and a Response to a Request for Substance of Interview filed on June 12, 2003.

2. a copy of the response filed on May 14, 2003 from the Patent Office file wrapper indicating that the incorrect receipt date of May 15, 2003 was entered.

Please withdraw the Notice of Abandonment due to the fact that we did file a reply to the November 14, 2002 Office Action by the May 14, 2003 deadline. As shown in the attached documents, a response was properly filed on May 14, 2003. A Certificate of Transmission was signed by Gail S. Morgan on May 14, 2003 indicating facsimile transmission of the response on May 14, 2003. The enclosed copy of the fax transmission report created by our fax machine indicates that 17 pages were successfully transmitted to the Patent Office on May 14, 2003. The enclosed copies of the response from the Patent Office file wrapper include a header generated by the Patent Office's fax machine upon receipt. This header indicates that the fax was received on May 14, 2003.

Based on the enclosed evidence, it appears that the Patent Office inadvertently entered the incorrect date of receipt for the May 14, 2003 response. Because the response was properly filed as shown by three separate pieces of evidence, please withdraw the Notice of Abandonment and reinstate this application.

As shown by the attachments, a Request to Withdraw Notice of Abandonment was filed on February 10, 2004 but no response to this Request has been received. Our review of the file wrapper indicates that the Patent Office has no record of receiving the Request.

We have included an authorization to charge the deposit account for this petition in the event that the Office determines the Applicant must pay a fee for this petition. In view of the fact that the abandonment resulted from a Patent Office error, we believe this is unnecessary. Thank you for your attention to this matter.

Very truly yours,

WILLIAMS MULLEN

  
Kimberly A. Chasteen

KAC/  
Enclosures



## First Petition to Withdraw Notice of Abandonment

filed February 10, 2004

includes:

Petition  
Notice of Abandonment  
Fax cover sheet  
Copy of fax machine generated confirmation sheet  
Copy of Certificate of Facsimile Transmission  
Copy of response filed on 5/14/2003



WILLIAMS MULLEN

Direct Dial: 757.249.7102  
kchasteen@williamsmullen.com

February 10, 2004

File No. 029079.0001

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Patent Application No.: 09/825,176  
Filed 04/03/01  
Trimmer Attachment for Lawn Mowers and Tractors

**PETITION TO WITHDRAW NOTICE OF ABANDONMENT**

Dear Sir/Madam:

Enclosed please find a copy of a Notice of Abandonment we received on December 12, 2003 regarding the above-mentioned matter.

Also enclosed are:

1: a copy of a Certificate of Transmission, a facsimile confirmation sheet and a response filed May 14, 2003; and

2: a copy of a Certificate of Transmission, a facsimile confirmation sheet and a Response to a Request for Substance of Interview filed on June 12, 2003.

Please withdraw the Notice of Abandonment due to the fact that we did file a response prior to the May 14, 2003 deadline and a supplemental statement as requested.

Thank you for your attention to this matter.

Very truly yours,

WILLIAMS MULLEN

*Kimberly A. Chasteen*  
Kimberly A. Chasteen

KAC/

*A Professional Corporation*

MICHIGAN • VIRGINIA • WASHINGTON, D.C. • LONDON

Harbor Bank Center, Suite 210 1 Old Oyster Point Road Newport News, VA 23602-7119 Tel: 757.249.5100 Fax: 757.249.5109  
www.williamsmullen.com



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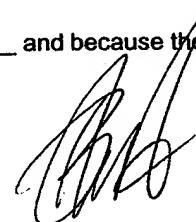
**Notice of Abandonment**

Application No.	Applicant(s)
09/825,176	MITCHELL, JAMES D.
Examiner	Art Unit
Meredith C Petravick	3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on 11/14/02.
  - (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d)  No reply has been received.
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due. The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c)  The issue fee and publication fee, if applicable, has not been received.
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b)  No corrected drawings have been received.
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7.  The reason(s) below:

  
 Thomas B. VIII  
 Supervisory Patent Examiner  
 Group 3600

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



WILLIAMS MULLEN  
WILLIAMS MULLEN

Direct Dial: 757.249.7106

**IMPORTANT NOTICE:** This facsimile transmission is intended to be delivered only to the named addressee, and may contain material that is confidential, proprietary or subject to legal protection or privilege. If it is received by anyone other than the named addressee, the recipient should immediately notify the sender at the address and telephone number set forth herein and obtain instructions as to the disposal of the transmitted material. In no event should such material be read or retained by anyone other than the named addressee, except by express authority of the sender or the named addressee.

**TO:** **M. Petravick**

**FROM:** Gail S. Morgan

**DATE:** Wednesday, May 14, 2003

**FAX #:** 703.305.3597

**CLIENT #:**

**Pages, including coversheet:** 17

**Re: Application Number: 09/825,176  
Application of: James D. Mitchell, Jr.  
Title: Trimmer Attachment for Lawn Mowers**

**Attached:**

**Certificate of Transmission**  
**Petition for Extension of Time Under 37 CFR 1.136(a) (in duplicate)**  
**Response**

*Williams Mullen Clark & Dobbins*

MICHIGAN • VIRGINIA • WASHINGTON, D.C. • LONDON

Harbor Bank Center, Suite 210 One Old Oyster Point Road Newport News, VA 23602-7119 Tel: 757.249.5100 Fax:  
757.249.5109  
[www.williamsmullen.com](http://www.williamsmullen.com)

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\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	1367
CONNECTION TEL	50601063417033053597
SUBADDRESS	
CONNECTION ID	TC 3600 USPTO
ST. TIME	05/14 13:17
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PGS. SENT	17
RESULT	OK



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**TO:** M. Petravick  
**FROM:** Gail S. Morgan  
**DATE:** Wednesday, May 14, 2003  
**FAX #:** 703.305.3597  
**CLIENT #:**

Pages, including coversheet: 17

**Certificate of Transmission**

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. (703) 305-3597.

On May 14, 2003.

Typed or printed name of person signing this certificate

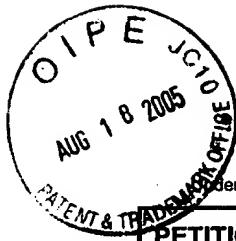
*Gail S. Morgan*  
Signature Gail S. Morgan



PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional)										
In re Application of <b>Mitchell, Jr., James D.</b>												
Application Number <b>09/825,176</b>		Filed <b>4/3/2001</b>										
For <b>Trimmer Attachment for Lawn Mowers and . . .</b>												
Art Unit <b>3671</b>		Examiner <b>Petravick, M.</b>										
<p>This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.</p> <p>The requested extension and appropriate non-small-entity fee are as follows (check time period desired):</p> <table><tr><td><input type="checkbox"/> One month (37 CFR 1.17(a)(1))</td><td>\$ _____</td></tr><tr><td><input type="checkbox"/> Two months (37 CFR 1.17(a)(2))</td><td>\$ _____</td></tr><tr><td><input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))</td><td>\$ <b>930</b></td></tr><tr><td><input type="checkbox"/> Four months (37 CFR 1.17(a)(4))</td><td>\$ _____</td></tr><tr><td><input type="checkbox"/> Five months (37 CFR 1.17(a)(5))</td><td>\$ _____</td></tr></table> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ <b>465</b>.</p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director has already been authorized to change fees in this application to a Deposit Account.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <b>50-0766</b>.</p> <p>I have enclosed a duplicate copy of this sheet.</p> <p>I am the <input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).</p> <p><input checked="" type="checkbox"/> attorney or agent of record.</p> <p><input type="checkbox"/> attorney or agent under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a) _____.</p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p> <p>May 14, 2003 _____ Date</p> <p>757-249-5100 _____ Telephone Number</p> <p><i>Kimberly A. Chasteen</i> _____ Signature</p> <p>Kimberly A. Chasteen _____ Typed or printed name</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input checked="" type="checkbox"/> Total of <b>1</b> forms are submitted.</p>			<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ _____	<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ _____	<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$ <b>930</b>	<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$ _____	<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$ _____
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ _____											
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ _____											
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$ <b>930</b>											
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$ _____											
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$ _____											

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional)										
<table border="1"> <tr> <td colspan="2">In re Application of <b>Mitchell, Jr., James D.</b></td> </tr> <tr> <td>Application Number</td> <td>09/825,176</td> </tr> <tr> <td colspan="2">For Trimmer Attachment for Lawn Mowers and . . .</td> </tr> <tr> <td>Art Unit</td> <td>3671</td> </tr> <tr> <td>Examiner</td> <td>Petravick, M.</td> </tr> </table>			In re Application of <b>Mitchell, Jr., James D.</b>		Application Number	09/825,176	For Trimmer Attachment for Lawn Mowers and . . .		Art Unit	3671	Examiner	Petravick, M.
In re Application of <b>Mitchell, Jr., James D.</b>												
Application Number	09/825,176											
For Trimmer Attachment for Lawn Mowers and . . .												
Art Unit	3671											
Examiner	Petravick, M.											

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ _____
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$ <u>930</u>
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$ _____

Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 465.

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director has already been authorized to change fees in this application to a Deposit Account.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-0766.

I have enclosed a duplicate copy of this sheet.

I am the  applicant/inventor.

assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

attorney or agent of record.

attorney or agent under 37 CFR 1.34(a).  
Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

May 14, 2003

Date

757-249-5100

Telephone Number

Signature

Kimberly A. Chasteen

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Attn: docket no.: 029079.0001

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :  
James D. Mitchell, Jr. :  
Serial No.: 09/825,176 : Examiner: Pet travick, Meredith C.  
Filed: April 3, 2001 : Art Unit: 3671  
For: TRIMMER ATTACHMENT FOR LAWN MOWERS AND TRACTORS

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 305-3597) on May 14, 2003.

Date: May 14, 2003

Kel S. Morgan

RESPONSE

Commissioner of Patents and Trademarks

Washington, DC 20231

Sir:

Responsive to the Office Action mailed November 14, 2002, please amend the above-identified patent application as follows:

IN THE CLAIMS

Please cancel claim 6 from consideration and amend claims 1, 2, 4, 10, 17 and 18 as follows:

1. A trimming attachment for a lawn maintenance vehicle, the attachment comprising:
  - a frame member which is removably connectable to the lawn maintenance vehicle;
  - a pivot arm for inducing lateral motion in a horizontal direction having first and second ends, the first end of the pivot arm being connected to the frame member at a pivot point;
  - a motorized trimming means attached to the second end of the pivot arm;
  - means for automatically adjusting the vertical height of the motorized trimming means;
  - and
  - a control lever connected to the pivot arm between the first and second ends.
  
2. [The trimming attachment as set forth in claim 1 wherein the frame member] A trimming attachment for a lawn maintenance vehicle, the attachment comprising:
  - a frame member which is bolted to the lawn maintenance vehicle;
  - a pivot arm for inducing lateral motion in a horizontal direction having first and second ends, the first end of the pivot arm being connected to the frame member at a pivot point;
  - a motorized trimming means attached to the second end of the pivot arm;
  - means for automatically adjusting the vertical height of the motorized trimming means;
  - and
  - a control lever connected to the pivot arm between the first and second ends.

4. [The trimming attachment as set forth in claim 1 wherein the] A trimming attachment for a lawn maintenance vehicle, the attachment comprising:  
a frame member which is removably connectable to the lawn maintenance vehicle;  
a pivot arm for inducing lateral motion in a horizontal direction having first and second ends, the first end of the pivot arm being connected to the frame member at a pivot point;  
a motorized trimming means[is] attached to the second end of the pivot arm and powered by electricity;  
means for automatically adjusting the vertical height of the motorized trimming means;  
and  
a control lever connected to the pivot arm between the first and second ends.

10. [The trimming attachment as set forth in claim 1 wherein the] A trimming attachment for a lawn maintenance vehicle, the attachment comprising:  
a frame member which is removably connectable to the lawn maintenance vehicle;  
a pivot arm for inducing lateral motion in a horizontal direction having first and second ends, the first end of the pivot arm being connected to the frame member at a pivot point;  
a motorized trimming means attached to the second end of the pivot arm;  
means for automatically adjusting the vertical height of the motorized trimming means;  
and  
a control lever [is] connected to the pivot arm between the first and second ends by means of a connecting cable.

17. A trimming attachment for a lawn maintenance vehicle, the attachment comprising:  
a frame member which is integral with the lawn maintenance vehicle;  
a pivot arm for inducing lateral motion in a horizontal direction having first and second ends, the first end of the pivot arm being connected to the frame member at a pivot point;  
a motorized trimming means attached to the second end of the pivot arm;  
means for automatically adjusting the vertical height of the motorized trimming means;  
and  
a control lever connected to the pivot arm between the first and second ends.

18. A trimming attachment for a lawn maintenance vehicle, the attachment comprising:

a frame member which is integral with the lawn maintenance vehicle;

a pivot arm for inducing lateral motion in a horizontal direction having first and second ends, the first end of the pivot arm being connected to the frame member at a pivot point;

a motorized trimming means attached to the second end of the pivot arm;

the pivot arm having first and second portions, the first portion of the pivot arm including the first end of the pivot arm which is connected to the frame member and the second portion of the pivot arm including the second end of the pivot arm to which the motorized trimming means is attached;

the first portion of the pivot arm being attached to the second portion of the pivot arm by a pivoting connection such that the second portion of the pivot arm is allowed to move in the vertical direction; and

a control lever connected to the pivot arm between the first and second ends.

#### REMARKS

Claims 1-15 and 17-18 are pending in this case. Claims 1-12 and 17-18 have been rejected. Claims 13-15 have been allowed. Claim 6 has been removed from consideration. Claim 1, 2, 4, 10 and 17-18 have been amended to more particularly point out the subject matter claimed by the Applicant as his invention. No new matter has been added.

The Examiner has rejected claim 6 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 has been removed from consideration.

The Examiner has rejected claims 1, 3, 5-9, 11-12 and 16-18 under 35 U.S.C. §102(b) as being anticipated by Skovhoj. The Examiner has indicated that Skovhoj discloses a removable frame member at element 210, however, element 210 is actually a socket (col. 4, line 19) and is

not a removable frame member; however a removable frame member is not claimed in the instant application. Instead, the instant application claims “a frame member which is removably connectable to the lawn maintenance vehicle.” The trimmer in Skovhoj is not connected to a removably connectable frame member as claimed in the instant invention. Instead, the attachment means for the trimmer described in Skovhoj is simply a hole (210) into which a pin (208) on the trimmer is inserted. Skovhoj does not describe or suggest the use of a frame member which is removably connectable as is claimed in the instant invention. Further, the Examiner states that the Skovhoj trimmer includes a means for automatically adjusting the vertical height of the motorized trimming means but does not cite any element which accomplishes this task or reference any part of the specification which describes automatic adjustment. In fact, Skovhoj states, at col. 5, lines 42 - 49 that all vertical adjustments are performed manually:

Grass trimmer 190, as shown in detail in Fig. 9, is *rotatable on a vertical axis* on post 208 as indicated by arrow 290, extensible by the movement of parallelogram unit 196 as indicated by arrow 292, and *vertically adjustable* by the movement of parallelogram unit 198 as indicated by arrow 294. All these movements are performed *manually* by the manipulation of handles 230. (emphasis added)

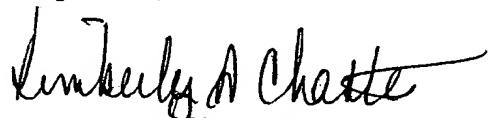
Thus, Skovhoj neither anticipates nor renders obvious the instant invention as presently claimed.

The Examiner has rejected claims 1-4, 6-8, 10-12 and 16 under 35 U.S.C. §102(e) as being anticipated by Lane. As discussed with the Examiner on May 14, 2003, independent claims 1, 17 and 18 have been amended to specify that lateral movement is accomplished by the present invention, as is understood by those of ordinary skill in the art, in a horizontal direction. The Lane reference neither shows nor suggests lateral movement in the horizontal direction of the trimming attachment described therein. The instant invention as presently claimed is neither anticipated by nor rendered obvious in view of the Lane reference. Because claims 2, 4 and 10 have only been rejected in view of Lane, claims 2, 4 and 10 have been amended to include the limitation of the base claim, namely independent claim 1. No intervening are involved as claims 2, 4 and 10 depended directly on claim 1. Thus, in view of the agreement reached with the

Examiner concerning the amendment to the "lateral movement" language, it is believed that claims 2, 4 and 10 are now allowable.

All claims now in the application are deemed patentably distinguishable over the art applied and noted, but not relied upon. Accordingly, allowance of the application is solicited.

Respectfully submitted,



Kimberly A. Chasteen  
Reg. No. 36,755

May 14, 2003

(757) 249-5100

Williams Mullen  
1 Old Oyster Point Road, Suite 210  
Newport News, VA 23692

#359668 v1 - resp to OA - MITCHELL - tractor attachment

**CLEAN VERSION  
OF  
CLAIM AS AMENDED:**

What is claimed is:

1. A trimming attachment for a lawn maintenance vehicle, the attachment comprising:
  - a frame member which is removably connectable to the lawn maintenance vehicle;
  - a pivot arm for inducing lateral motion in a horizontal direction having first and second ends, the first end of the pivot arm being connected to the frame member at a pivot point;
  - a motorized trimming means attached to the second end of the pivot arm;
  - means for automatically adjusting the vertical height of the motorized trimming means;
  - and
  - a control lever connected to the pivot arm between the first and second ends.
2. A trimming attachment for a lawn maintenance vehicle, the attachment comprising:
  - a frame member which is bolted to the lawn maintenance vehicle;
  - a pivot arm for inducing lateral motion in a horizontal direction having first and second ends, the first end of the pivot arm being connected to the frame member at a pivot point;
  - a motorized trimming means attached to the second end of the pivot arm;
  - means for automatically adjusting the vertical height of the motorized trimming means;
  - and
  - a control lever connected to the pivot arm between the first and second ends.
3. The trimming attachment as set forth in claim 1 wherein the pivot arm is connected to the frame member by means of a pivot pin.

4. A trimming attachment for a lawn maintenance vehicle, the attachment comprising:
  - a frame member which is removably connectable to the lawn maintenance vehicle;
  - a pivot arm for inducing lateral motion in a horizontal direction having first and second ends, the first end of the pivot arm being connected to the frame member at a pivot point;
  - a motorized trimming means attached to the second end of the pivot arm and powered by electricity;
  - means for automatically adjusting the vertical height of the motorized trimming means; and
  - a control lever connected to the pivot arm between the first and second ends.

5. The trimming attachment as set forth in claim 1 wherein the motorized trimming means is powered by hydraulics.

7. The trimming attachment as set forth in claim 1 wherein the control lever is operated by hand.

8. The trimming attachment as set forth in claim 1 wherein the control lever is operated by foot.

9. The trimming attachment as set forth in claim 1 wherein the control lever is connected to the pivot arm by means of a connecting rod.

10. A trimming attachment for a lawn maintenance vehicle, the attachment comprising:

a frame member which is removably connectable to the lawn maintenance vehicle;

a pivot arm for inducing lateral motion in a horizontal direction having first and second ends, the first end of the pivot arm being connected to the frame member at a pivot point;

a motorized trimming means attached to the second end of the pivot arm;

means for automatically adjusting the vertical height of the motorized trimming means; and

a control lever connected to the pivot arm between the first and second ends by means of a connecting cable.

11. The trimming attachment as set forth in claim 1 wherein the means for automatically adjusting the vertical height of the motorized trimming means comprises:

the pivot arm having first and second portions, the first portion of the pivot arm including the first end of the pivot arm which is connected to the frame member and the second portion of the pivot arm including the second end of the pivot arm to which the motorized trimming means is attached;

the first portion of the pivot arm being attached to the second portion of the pivot arm by a pivoting connection such that the second portion of the pivot arm is allowed to move in the vertical direction.

12. The trimming attachment as set forth in claim 11 wherein the pivoting connection is at least one pivoting member.

13. A trimming attachment for a lawn maintenance vehicle, the attachment comprising:

a frame member which is removably connectable to the lawn maintenance vehicle; a pivot arm having first and second ends, the first end of the pivot arm being connected to the frame member at a pivot point;

a motorized trimming means attached to the second end of the pivot arm; means for automatically adjusting the vertical height of the motorized trimming means comprising:

the pivot arm having first and second portions, the first portion of the pivot arm including the first end of the pivot arm which is connected to the frame member and the second portion of the pivot arm including the second end of the pivot arm to which the motorized trimming means is attached;

the first portion of the pivot arm being attached to the second portion of the pivot arm by a pivoting connection such that the second portion of the pivot arm is allowed to move in the vertical direction;

the pivoting connection comprising:

two vertical members, one of which is attached to the first portion of the pivot arm and one of which is attached to the second portion of the pivot arm; and

an upper set of pivot members and a lower set of pivot members; the lower set of pivot members being pivotally connected at their ends to the vertical members of the first and second portions of the pivot arm;

the upper set of pivot members each being pivotally connected at one end to the vertical member attached to the second portion of the pivot arm and being pivotally connected at a point along the length of each upper pivot member to the vertical member attached to the first portion of the pivot arm;

the upper and lower set of pivot members being connected to the vertical members such that the pivot members are substantially parallel to each other; and

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A docket no.: 029079.0001

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :  
James D. Mitchell, Jr. :  
Serial No.: 09/825,176 : Examiner: Petrvick, Meredith C.  
Filed: April 3, 2001 : Art Unit: 3671  
For: TRIMMER ATTACHMENT FOR LAWN MOWERS AND TRACTORS

CERTIFICATE OF MAILING

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Date: June 12, 2003

Kristen Engstrom

RESPONSE TO REQUEST FOR SUBSTANCE OF INTERVIEW

Commissioner of Patents and Trademarks

Washington, DC 20231

Sir:

Responsive to the Request mailed May 15, 2003, a summary of the interview on telephonic interview held on 5/14/2003 follows. Applicant's counsel, Kimberly A. Chasteen held telephonic interviews with Meredith C. Petrvick and Tom Will. No exhibit was shown or demonstration conducted. The prior art discussed were patents issued to Lane and Skovhoj with respect to claim 1. The proposed amendments are of record in the response filed on May 14, 2003. Principal arguments presented in the interviews are (1) that Lane does not show or suggest lateral movement in the horizontal direction of the trimming attachment described therein and (2) that Skovhoj does not describe or suggest the use of a frame member which is removably connectable or a means for automatically adjusting the vertical height of the motorized trimming

means. Further detail is of record in the response filed on May 14, 2003. The final outcome of the interviews was that the Applicant was advised to submit the response along with a Notice of Appeal to allow for further review of the Applicant's arguments in the hopes that agreement can be reached concerning the claim language.

Respectfully submitted,



Kimberly A. Chasteen  
Reg. No. 36,755

June 12, 2003

(757) 249-5100

Williams Mullen  
1 Old Oyster Point Road, Suite 210  
Newport News, VA 23692

#399913 v1 - resp to req for interview summary - LAWN MOWER ATTACHMENT

**Copy of fax cover sheet for  
Response filed May 14, 2003  
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WILLIAMS MULLEN  
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**FROM:** Gail S. Morgan  
**DATE:** Wednesday, May 14, 2003  
**FAX #:** 703.305.3597

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Pages, including coversheet: 4

Re: Application Number: 09/825,176  
 Application of: James D. Mitchell, Jr.  
 Title: Trimmer Attachment for Lawn Mowers

**Attached:**

Certificate of Transmission  
 Notice of Appeal (in duplicate)

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Signature Gail S. Morgan

¶



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
APPLICATION FOR UTILITY PATENT

Applicant: James Mitchell

Filing Date: April 3, 2001

Title: Trimmer attachment for lawn mowers and tractors

Attorney Docket No.: 029079.0001

Application No.: 09/825,176

To the Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Authorization to Charge Deposit Account Pursuant to 37 CFR 1.25

Please charge the small entity fee (if any fees are required) for the Petition to Revive the above noted case under 37 CFR 1.17 to USPTO Deposit Account Number 50-0766.

Authorized Signatory:

  
Kimberly A. Chasteen Date  
Reg. No. 36,755

This Authorization is submitted in duplicate.

Williams Mullen  
721 Lakefront Commons  
Suite 200  
Newport News VA 23606  
757-249-7102



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
APPLICATION FOR UTILITY PATENT

Applicant: James Mitchell

Filing Date: April 3, 2001

Title: Trimmer attachment for lawn mowers and tractors

Attorney Docket No.: 029079.0001

Application No.: 09/825,176

To the Commissioner of Patents and Trademarks  
P.O. Box 1450  
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Please charge the small entity fee (if any fees are required) for the Petition to Revive the above noted case under 37 CFR 1.17 to USPTO Deposit Account Number 50-0766.

Authorized Signatory:



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Applicant: James Mitchell  
Filing Date: April 3, 2001  
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Attorney Docket No.: 029079.0001

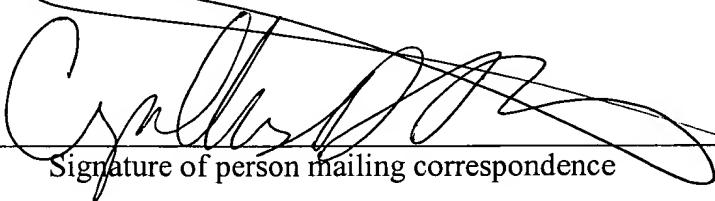
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